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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA LEON HIESTAND,

Defendant.

Case No. CR-22-122-BLG-SPW

SENTENCING MEMORANDUM

COMES NOW Defendant, JOSHUA LEON HIESTAND by and through Defendant's counsel of record, the FEDERAL DEFENDERS OF MONTANA and GILLIAN E. GOSCH, Assistant Federal Defender, and offers this Sentencing Memorandum to this Honorable Court for Mr. Hiestand's sentencing hearing scheduled for October 20, 2023, at 1:30 p.m.

INTRODUCTION

On October 20, 2022, Joshau Leon Hiestand was named in a two count Indictment charging him in Count I with Stalking in violation of 18 U.S.C. § 2261A(2)(B) (a) and in Count II with Harassing Telephone Calls in violation of 47 U.S.C. § 223(a)(1)(E). Hiestand made his Rule 5 appearance on November 18, 2022, in the Southern District of Indiana and his initial appearance in the District of Montana on January 23, 2023. Hiestand was deemed competent to proceed on May 25, 2023, and he changed his plea to Count II of the Indictment on June 29, 2023. He has been detained pending disposition.

ADVISORY GUIDELINE RANGE

Pursuant to the presentence report Hiestand's total offense level is 7 and his criminal history category is III. Therefore, his advisory guideline range is 4-10 months. There is a plea agreement in this case and Hiestand will have 337 days custody at the time of sentencing.

DISCUSSION-3553

A. The Offense

The offense conduct is sufficiently set forth in paragraphs 8-12 of the presentence report.

B. History and Characteristics of Joshua Leon Hiestand

In reviewing the pre-sentence report the overriding issues that need to be addressed with Hiestand are his mental health and substance abuse issues. Hiestand has a long history of psychiatric hospitalizations with a myriad of mental health diagnosis that appears to be compounded by his use of illegal substances. These issues have made it difficult for him to hold down employment and to maintain housing. Upon his release Hiestand may want to apply for SSI to see if he qualifies so that he may receive assistance for his mental health issues as well as housing.

C. Seriousness of the Offense, Respect for the Law and Just Punishment

Hiestand understands that this is a very serious offense. At the time of the offense, Hiestand was not taking his mental health medication and feels remorse for his conduct in this case. Hiestand is asking for a time served sentence of 337 days, which at this point is over the high end of his guideline range. Housing has been secured at St. Ignatius House and they would have a bed available on October 20, 2023 should Hiestand be released. Hiestand's father has agreed to pay his fees. A sentence of time served is sufficient but not greater than necessary to accomplish the goals of sentencing.

RESPECTFULLY SUBMITTED this 3rd day of October, 2023.

/s/ Gillian E. Gosch

GILLIAN E. GOSCH

Federal Defenders of Montana

Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on October 3, 2023, a copy of the foregoing document was served on the following persons by the following means:

<u>1, 2</u>	CM-ECF
<u> </u>	Hand Delivery
<u>3</u>	Mail
<u> </u>	Overnight Delivery Service
<u> </u>	Fax
<u> </u>	E-Mail

1. CLERK, UNITED STATES DISTRICT COURT

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Counsel for the United States

3. JOSHUA LEON HIESTAND
Defendant

/s/ Gillian E. Gosch

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